



ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ALAN M. SCHLESINGER
Senior Counsel
(212) 356-2628
aschlesi@law.nyc.gov
(E-Mail Not For Service Of Papers)

October 17, 2018

By ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Correction Officers' Benevolent Ass'n v. City Of New York, et al.*,
17 Civ. 2899 (LTS)(JCF)
Our No. 2017-018199

Dear Judge Swain:

I am the Assistant Corporation Counsel assigned to defend the above-referenced action. Defendants write to seek an extension of their time to respond to plaintiffs' motion to file a first amended and supplemental complaint ("FAC") (Dkt Nos. 56-61) until from October 17, to November 2, 2018. Plaintiffs' motion to amend was filed on September 7, 2018, and defendants received an extension until October 17th. Plaintiffs consent to this extension of time.

In this case, plaintiffs interposed a substantive Due Process Clause claim alleging that certain policies of the City of New York were causing increased risk to Correction Officers in City correctional facilities. Defendants moved to dismiss the complaint which was granted by the Court. *See* Memorandum Opinion and Order, May 30, 2018 ("Decision"), Dkt No. 51; 2018 U.S. Dist. LEXIS 90457, 2018 WL 2435178 (S.D.N.Y. May 30, 2018). The Decision permitted plaintiff to file a motion to amend the complaint, which plaintiffs' did on September 18th. *Id.* at 15.

On September 7th, plaintiffs filed a motion to amend which is more than nine-hundred (900) pages long. It includes a 200 paragraph proposed first amended and supplemental complaint ("FAC") covering 50 pages. There are with well over 800 pages of exhibits. In addition responding to plaintiffs' motion requires review of the original complaint and the Decision, as well as a detailed analysis of plaintiffs' lengthy proposed FAC, and their exhibits.

Furthermore, in September and early October, I was supervising intense litigation, brought by COBA, a plaintiff in the instant case, concerning the opening of Horizon, a facility

HONORABLE LAURA TAYLOR SWAIN

United States District Judge

Correction Officers' Benevolent Ass'n v. City Of New York, et al. ,

17 Civ. 2899 (LTS)(JCF)

October 17, 2018

Page 2

housing 16 and 17 year olds, and the conditions in that facility. This litigation included repeated efforts by COBA to enjoin the opening of Horizon and to enjoin the assignment of Correction Officers to Horizon. This litigation was unexpected and has made compliance with the prior schedule extremely difficult.

Defendants therefore request until November 2nd to file their response to plaintiffs' motion to amend.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ *Alan Maer Schlesinger*

Alan M. Schlesinger
Assistant Corporation Counsel

cc: Koehler & Isaacs, LLP
(By ECF)